

Message Text

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ACTION EB-06

INFO OCT-01 SS-15 PM-03 SP-02 L-01 EUR-08 INR-05 ISO-00

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FM AMEMBASSY MADRID

TO SECSTATE WASHDC 294

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E.O. 11652: N/A

TAGS: EAIR, SP

SUBJ: TWA'S REQUEST FOR ACTION ON BILATERAL

1. TWA MADRID HAS REQUESTED EMBASSY OBTAIN OFFICIAL SPANISH GOVERNMENT POSITION ON SUBJECTS SET FORTH BELOW. BEFORE PROCEEDING OFFICIALLY TOWARD GOS PURSUANT THIS REQUEST, EMBASSY WOULD BE GRATEFUL FOR DEPARTMENT COMMENTS FOLLOWING QUESTIONS CONCERNING US-SPAIN AIR BILATERAL OF FEB 20, 1973 RAISED BY TWA MADRID, WHICH HAS CLEARED THEM WITH TWA VP/GOV. THOMAS TAYLOR.

2. THESE QUESTIONS ARE:

A. TWA WISHES CONFIRMATION THAT AIRMINISTRY APPROVAL NOT RPT NOT REQUIRED FOR FREQUENCY OR ROUTE CHANGES.

B. TWA MADRID STATED TAYLOR'S OPINION IS TWA FREE OPERATE EXTRA SECTIONS PREVIOUSLY APPROVED FLIGHTS REGARDLESS IBERIA'S AVAILABILITY SPACE AND WITHOUT ADVANCED APPROVAL. (ACCORDING TWA MADRID PREVIOUS REQUESTS APPROVAL EXTRA SECTION ON ITS FLIGHTS FOLLOWED BY AIR MINISTRY CHECK RE SPACE AVAILABILITY ON IBERIA FLIGHTS.

C. TAYLOR OPINION, RELATED BY TWA MADRID, IS SUBSTITUTION OF EQUIPMENT, I.E., 747 FOR 707, JUSTIFIABLE OPERATIONAL REQUIREMENT WITHOUT NECESSITY GOS APPROVAL.

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3. COMMENT: TWA MADRID HAS BEEN FAR MORE CAUTIOUS AND LEGALISTIC IN ITS APPROACHES TO GOS THAN HAS PAN AM. EMBASSY NOT ENTHUSED WITH IDEA OF MAKING FORMAL PRESENTATION TO MINISTRY RE THESE POINTS IN ABSENCE OF ACTIVE ISSUE FOR TWA ON ANY OF THEM AND WHICH ARE SORT OF PROBLEMS OTHER US CARRIERS SEEM ABLE DEAL WITH WITHOUT FORMAL DEFINITION. FOR EXAMPLE, PERHAPS THREE-QUARTERS OF THE CHARTER FLIGHTS BROUGHT IN BY PAN AM AND TWA COME IN ENTIRELY WITH PERSONAL APPROVAL DIRECTOR GENERAL CIVIL AVIATION, WELL ABOVE WHAT ALLOWED BY LETTER OF LAW. IN BALANCING DESIRE AVOID ROCKING IN BOATS WITH CONCERN BE RESPONSIVE TWA REQUEST, EMBASSY PROPOSES AWAIT DEPARTMENT'S REPLY QUESTIONS PRESENTED ABOVE ON BILATERAL AND TELL TWA MADRID AWAITING DEPARTMENT'S REPLY. EMBASSY DOES NOT INTEND QUERY GOS UNLESS DEPARMENT SO INSTRUCTS.

4. EMBASSY ASSESSMENT IS THAT A FORMAL REQUEST FOR DEFINITION OF SPANISH POSITION WOULD RESULT ONLY IN DEFINITION FAVORABLE TO SPANISH SIDE. BUT WE BELIEVE DEPARTMENT'S INTERPRETATION THESE LEGAL POINTS WOULD BE MOST HELPFUL IN EMBASSY'S RESPONSE TO TWA.

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